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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,033	04/18/2001	Vincent Lee Adams	01-0027.01	7519
21491	7590	12/20/2005		
LANIER FORD SHAVER & PAYNE P O BOX 2087 HUNTSVILLE, AL 35804			EXAMINER RETTA, YEHDEGA	
			ART UNIT 3622	PAPER NUMBER
DATE MAILED: 12/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/837,033

Applicant(s)

ADAMS, VINCENT LEE

Examiner

Yehdega Retta

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/21/04.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant claims a computer linked to a server, the computer having several modules. None of the modules are executed to perform any type of function. Claiming a server with application does not patentably distinguish the claimed invention from any other server computer with any type of modules. The scope of the claim could not be determined. In short, the type of modules stored in the computer does not patentably distinguish the claimed invention from a computer, for example, with module such as words, excel, or any other type of other applications.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrel et al (US 6,199,082) further in view of Official Notice.

Regarding claims 1, 4-6, 8-10, Ferrel teaches a computer linked to a server, the computer including several modules and a computer (publisher workstation) linked to a website. The server includes Multimedia Publishing System (MPS or MP), which includes components such as project designer component, public distribution site and viewer components (see col. 7 line 61 to col. 8 lines 38, col. 10 lines 30-54). Ferrel teaches the basic components of the MP system includes a set of tools for designing, developing and viewing multimedia on-line applications and the Designer component includes project editor, page editor, style editor, etc. (see col. 11 line 45 to col. 12 line 65). Ferrel teaches publisher and user (customers) terminals connected to a host (server) (see col. 14 lines 35-59, col. 15 lines 8-37). Ferrel does not teach a franchisor and franchisee, however official notice is taken that is old and well known in businesses to create franchising system and it is well known in the franchise system for companies (franchisor) to provide logistic and operating procedures such as facility design, accounting and bookkeeping procedures, employee relations, quality assurance standards, and the overall image and appearance of the business. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to create a franchise system for any kind of business, since a franchisor provides a proven method of doing business such as the operating system, a brand or trademark and to provide initial and ongoing support so the franchisee won't have to reinvent the wheel to be successful and the franchisee to provide capital to expand the brand faster than the franchisor can by itself and management talent to run the business and execute the operating system. It is well known that franchising is a way to expand business more quickly, by sharing some of the costs, risks, and rewards with franchisees.

Art Unit: 3622

Regarding claims 2 and 3, Ferrel teaches providing editing function and publishing function for content and advertisement to a publisher workstation (see col. 18 line 11 to col. 19 line 25, col. 26 lines 14-58).

Regarding claims 7 and 8, Ferrel teaches a plurality of databases providing news, advertisements, photography, community information etc, (see fig. 6 &7).

Claims 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark (US 6,351,738) further in view of Coulthard et al. (US 2002/0059364).

Regarding claim 11, Clark teaches providing a Franchisor computer, a server and a website, linked by a communication networks; providing to a Franchisee a computer and communications network; providing the purchase of a business to a franchisee through the website (see fig. 1-4); providing training module; completion of training requirements by Franchisee; hosting and supporting; reporting revenues and making franchise payments by the Franchisee (see fig. 5&6) see also col. 8 line 57 to col. 10 line 65, col. 11 lines 3-39 and col. 12 lines 4-46). Clark does not explicitly teach creating a website of the Franchisee by the Franchisor and hosting and supporting of the website through the communication link. Coulthard teaches a franchisor creating a website for a Franchisee website business and hosting and supporting the website through the communication link (see fig. 6 &7, see also [0087] to [0093]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clark's Franchising and support system by providing means to create, host and support a web site for the Franchisee, if the business of the Franchisee is a website related business. Franchisors are known to provide not only a product and trade name, but also operating

Art Unit: 3622

procedures such as facility design, accounting and bookkeeping procedures, employee relations, quality assurance standards, and the overall image and appearance of the business.

Regarding claims 12-20, Clark teaches network-based franchise systems for different kind of service or product business (see col. 8 line 57 to col. 10 line 65). Clark failed to teach providing editing and publishing function for information content and advertisement on a website. Ferrel teaches providing editing and publishing function (see col. 7 line 61 to col. 8 lines 38, col. 10 lines 30-54 and col. 11 line 45 to col. 12 line 65). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide editing and publishing function, as taught in Ferrel, in Clark's franchising system, if the product or service is Newspaper publication.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YR

*Yehdega Retta*  
RETTA YEHDEGA  
PRIMARY EXAMINER